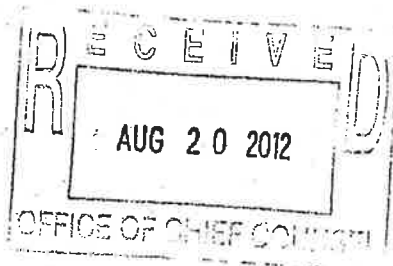




CITY OF PHILADELPHIA



DEPARTMENT OF PUBLIC HEALTH
Donald F. Schwarz, MD, MPH
Deputy Mayor for Health & Opportunity
Health Commissioner

Nan Feyler, JD, MPH
Chief of Staff

Air Management Services
Thomas Huynh
Director

Facility Compliance & Enforcement
321 University Avenue, 2nd Floor
Philadelphia, PA 19104

Telephone (215) 685-7572
Fax (215) 685-7593

August 15, 2012

CERTIFIED MAIL NO: 7011 1570 0001 4064 8953

Arnold D. Dodderer
General Counsel – Sunoco
1735 Market Street, Ste. LL
Philadelphia, PA 19103

CERTIFIED MAIL NO: 7011 1570 0001 4064 8830

Terry Soule
Environmental Manager – Northeast Refining Complex
100 Green Street
P.O. Box 426
Marcus Hook, PA 19061

RE: **Demand for Stipulated Penalties for Violations of United States et al. v. Sunoco, Inc.,
Civil Action No. 90-5-2-1-1744/1 (E.D. Pa.) Consent Decree, Filed March 20, 2006**

Facility: PLID: 01501 - Sunoco Refinery, 3144 Passyunk Ave., Philadelphia, PA

Dear Mr. Arnold D. Dodderer and Mr. Terry Soule:

On or about May 8, 2012, the City of Philadelphia (City) Department of Public Health, Air Management Services (AMS) issued a Notice of Violation (NOV) to Sunoco, Inc. (Sunoco) for multiple violations of Title 3 of the Philadelphia Code, Phila. Code §§ 3-101-3-402; the Pennsylvania Air Pollution Control Act (APCA), 35 P.S. §§ 4001 et. seq.; the Clean Air Act (CAA), 42 U.S.C. §§ 7401 et. seq.; and the respective regulations promulgations thereunder at the above referenced Facility. See Attached May 8, 2012 NOV. AMS determined that certain violations cited within this NOV constitute violations of the March 20, 2006 Consent Decree (Consent Decree), as Amended, and are subject to stipulated penalties as follows:

- On January 2, 2010; August 29, 2010; October 24, 2010; April 5, 2011; April 6, 2011; April 11, 2011; May 16, 2011; and July 5, 2011 refinery fuel gas containing H₂S in excess of the 0.1 grains per dry standard cubic foot NSPS Subpart J emission

12/31/10
limit was burned at various units at the Facility (10 violations). See Attached Id. at Item 3. Pursuant to Consent Decree Paragraph 139, Sunoco is subject to a stipulated penalty in the amount of twenty-five thousand five hundred dollars (\$25,000) for these violations (\$2,500 per violation).

- On April 5, 2011, April 6, 2011, and October 10, 2011 the 867 Sulfur Recovery Unit (SRU) at the Facility exceeded its 500 ppm SO₂ emission limit (3 violations). See Attached Id. at Item 5. Pursuant to Consent Decree Paragraph 143, Sunoco is subject to a stipulated penalty in the amount of three thousand dollars (\$3,000) for these violations (\$1,000 per violation).
- On March 4, 2010 the 1232 Fluid Catalytic Cracking Unit (FCCU) wet gas scrubber at the Facility exceeded its 500 ppm CO 1-hour average emission limit (1 violation). See Attached Id. at Item 14. Pursuant to Consent Decree Paragraph 131, Sunoco is subject to a stipulated penalty in the amount of seven hundred and fifty dollars (\$750) for this violation (\$750 per violation).
- On November 16, 2010; February 1, 2011; December 6, 2011; and May 27, 2011, carbon canisters at various units at the Facility were not changed out within 24 hours of breakthrough (11 violations). See Attached Id. at Item 17. Pursuant to Consent Decree Paragraph 159, Sunoco is subject to a stipulated penalty in the amount of eleven thousand dollars (\$11,000) for these violations (\$1000 per violation).

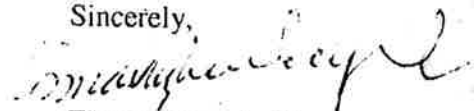
11?
0 - 23 - 011 M3/14
Failure to include Benzene waste streams from 2nd Quarter 2010 dock operations at Girard Point and Point Breeze in Total Annual Benzene emissions calculations or in calculations for the 2 megagram Benzene waste treatment exemption (2 violations). See Attached Id. at Item 19. Pursuant to Consent Decree Paragraph 171 of the Consent Decree, Sunoco is subject to a stipulated penalty in the amount of two thousand dollars (\$2,000) for these violations (\$1000 per violation).

INTERNAL USE
REG. 6.6.02
5 DAY
During the first half of 2010, 6 fugitive emission components were not repaired within 15 days as required (6 violations). See Attached Id. at Item 20. Pursuant to Consent Decree Paragraph 177, Sunoco is subject to a stipulated penalty of six hundred dollars (\$600) for these violations (\$100 per violation).

ADAM
During 2010 and 2011, initial attempts to repair 8 fugitive emission components were not made within 5 days as required (8 violations). See Attached Id. at Item 20. Pursuant to Consent Decree Paragraph 178, Sunoco is subject to a stipulated penalty in the amount of eight hundred dollars (\$800) for these violations (\$100 per violation).

Accordingly, AMS demands a total stipulated penalty in the amount of forty three thousand one hundred fifty dollars (\$43,150), to be split evenly between the United States and the City. See Consent Decree Paragraphs 193, 194. If you have any questions regarding this letter, please contact Kevin Tyson with AMS at (215) 685-94475 or Leonard Hotham with United States Environmental Protection Agency at (215) 814-5778.

Sincerely,



Thomas Huynh, Director
Air Management Services

Cc (Hard Copy):

Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611
Reference Case No. 90-5-2-1-1744/1

Director, Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Mail Code 22452-A
1200 Pennsylvania, Avenue, N.W.
Washington, DC 20460-0001

Director, Air Enforcement Division
Office of Civil Enforcement
c/o Matrix Environmental & Geotechnical Services
215 Ridgedale Avenue
Florham Park, NJ 07932

U.S. EPA Region III:
1650 Arch Street
Philadelphia, PA 19103

Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105

Vice President
Northeast Refining Complex for Marcus Hook and Philadelphia
100 Green Street
P.O. Box 426
Marcus Hook, PA 19061

Facility Manager - Philadelphia Refinery
3144 Passyunk Avenue
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NOTICE OF VIOLATION

CERTIFIED MAIL NO:7011 1570 0001 4064 8984

May 8, 2012

Charles D. Barksdale Jr.
Manager, Environmental Department
Sunoco, Inc., Philadelphia Refinery
3144 Passyunk Avenue
Philadelphia, PA 19145-5299

RE: Sunoco Philadelphia Refinery

PLID No.: 01501

Air Management Services (hereinafter "AMS") is charged with enforcement of Title 3 of the Philadelphia Code of Ordinances, known as the Air Management Code (hereinafter "AMC") and the Air Management Regulations (hereinafter "AMRs") promulgated thereunder, which incorporate certain state and federal regulations, including those of the Environmental Quality Board of Pennsylvania contained in 25 Pa. Code §§ 121-129 and 131-145, and those of the United States Environmental Protection Agency (hereinafter "EPA") including 40 C.F.R. § 52.21 (Prevention of Significant Deterioration of Air Quality), and 40 C.F.R. pts. 60 (New Source Performance Standards), 61 (National Emissions Standards for Hazardous Air Pollutants), and 63 (Maximum Achievable Control Technology). The AMRs applicable hereto are part of the EPA approved State Implementation Plan for Philadelphia County, for the Metropolitan Philadelphia Interstate Air Quality Control Region, 40 C.F.R. § 52.2020 et seq, pursuant to the Federal Clean Air Act, 42 U.S.C. §§ 7401-7671et seq. The City of Philadelphia is also authorized pursuant to the Pennsylvania Air Pollution Control Act, 35 P.S. §§ 4001-4015 to enforce the applicable provisions of the Pa. Code cited above.

Sunoco Inc. (hereinafter "Sunoco") owns and operates the Sunoco Philadelphia Refinery located at 3144 Passyunk Ave, Philadelphia, PA 19145 (hereinafter "Facility"). Sunoco submitted various reports, including Continuous Emissions Monitoring, Semi-Annual, and SO₂ Quarterly reports, pertaining to Facility operations from January 2010 through the end of December 2011. On or about April 16, 2012, AMS completed a full review of said reports and identified the following violations pursuant to the authority cited above:

<u>No.</u>	<u>Code/Statute Reference</u>	<u>Description of Violation(s)</u>
1.	Title V Operating Permit V95-038, § C.3(a) 25 Pa. Code § 127.444 25 Pa. Code § 123.41 AMC § 3-306(5) AMR XIII	Sunoco's 868 Fluid Catalytic Cracking Unit (hereinafter "FCCU") exceeded its applicable opacity limits during the second and third quarter 2010 and the second, third and fourth quarter 2011. There were 640 minutes of emissions equal to or greater than 20% opacity for a period or periods aggregating more than 3 minutes in any one hour and 2 minutes of emissions equal to or greater than 60% opacity. (8 occurrences) On September 5, 2010, Sunoco's H-101 Heater exceeded its applicable 20/60 opacity limits for 7 minutes and the H-201 heater exceeded its applicable 20/60 opacity limits for 15 minutes. (Each occurrence is a separate violation.)
2.	Title V Operating Permit V95-038, Section C.10(b) 25 Pa Code §139.101(12) AMC Chapter 3-306(5) AMR XIII	Sunoco's Nitrogen Oxide (NOx) Continuous Emission Monitor (CEM) located at the 137 F1/F2 stack failed to meet quarterly data availability requirements during the second quarter 2010. Sunoco's H2S CEM for the fuel on the 859 IH1 heater failed to quarterly data availability requirements during the second quarter 2011. Sunoco's H2S CEM for the fuel on the 137 F1 heater failed to quarterly data availability requirements during the fourth quarter 2011. (Each occurrence is a separate violation.)

3. Title V Operating Permit V95-038, § D.2 & 3 On January 2, 2010 the 1332 H-2 heater burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H₂S for 1 hour.

40 C.F.R. § 60.105(e)(3)(ii) On August 29, 2010 the 1332 H-2 heater burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H₂S for 3 hours.

25 Pa. Code § 127.444 On October 24, 2010 the 859 1H-1 heater burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H₂S for 3 hours.

AMC § 3-306(5)

AMR XIII

On April 6, 2011 the 1232 B-104 heater, the 1332 H-3 heater, the 1332 H-602 heater, the 1332 H-400 heater, the 1332 H-401 heater, the 3BH-37 boiler, the 3BH-39 boiler, and the 3BH-40 boiler burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H₂S for 5 hours.

On April 5, 2011 the 210 H-101 heater, the 210 H-201 heater, and the 210 13H-1 heater burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H₂S for 2 hours.

On April 6, 2011 the 210 H-101 heater, the 210 H-201 heater, and the 210 13H-1 heater burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H₂S for 17 hours.

On April 11, 2011 the 137 F1 heater, the 231 B-101 heater, the 433 H-1 heater, the 1332 H-3 heater, the 1332 H-601 heater, the 1332 H-602 heater, the 1332 H-400 heater, the 1332 H-401 heater, the 3BH-37 boiler, the 3BH-39 boiler and the 3BH-40 boiler burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H₂S for 1 hour.

On April 11, 2011 the 210 H-101 heater, the 210 H-201 heater, and the 210 13H-1 heater burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H₂S for 3 hours.

On May 16, 2011 and July 5, 2011 the 210 H-101 heater, the 210 H-201 heater, the 210 13H-1 heater, the 860 2H-2 heater, the 860 2H-3 heater, the 860 2H-4 heater, the 860 2H-5 heater, the 860 2H-7 heater, the 864 PH-1 heater, the 864 PH-7 heater, the 864 PH-11 heater, the 864 PH-12 heater, the 865 11H-1 heater, the 865 11H-2 heater, and the 866 12H-2 heater burned fuel gas in excess of its limit of 162 ppm (230 mg /dscm) H₂S for 1 hour.

(Each occurrence is a separate violation.)

3 h - Polling

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- 4 Title V Operating Permit V95-038, Section D.4(b) Visible emissions from the 433 Flare exceeded five minutes on March 11, 2010, and fifteen minutes on February 12, 2011.
- 40 CFR 60.18(c)(1) Visible emissions from the PB South Yard North Flare exceeded five minutes on April 17, 2010, for 11 minutes on June 9, 2011, for 6 days starting July 6, 2011, 31 minutes on July 18, 2011, and 4 minutes on July 27, 2011.
- 40 CFR 63.11(b)(4)
- 25 Pa Code §127.444 Visible emissions from the 1231 Flare exceeded sixteen minutes on August 22, 2010, and 10 minutes on September 8, 2010.
- AMC Chapter 3-306(5)
- AMR I Section XI (Each occurrence is a separate violation.)
- AMR XIII
5. Title V Operating Permit V95-038, Section D.6(a)(1) Sunoco's 867 Sulfur Recovery Unit exceeded its 500 ppm SO₂ limit on April 6, 2011 for 2 hours, on April 5, 2011 for 2 hours, on April 6, 2011 for 4 hours, on October 10, 2011 for 1 hour.
- 25 Pa. Code § 123.21(b) (Each occurrence is a separate violation.)
- AMC Chapter 3-306(5)
- AMR III Section II.B
6. Title V Operating Permit V95-038, Section D.21(a)(1) Sunoco's 868 FCCU exceeded its 221 Lbs/Hr NO_x emission limit on May 13, 2011 for 1 hour.
- 25 Pa Code §129.91-95
- 25 Pa Code §127.444
- AMC Chapter 3-306(5)
- AMR XIII
7. Title V Operating Permit V95-038, Section D.21 (a)(1) Sunoco's 868 FCCU exceeded its emission limit of 500PPM CO on October 29, 2011 for 1 hour.
- 25 Pa Code §127.444
- AMC Chapter 3-306(5)
- AMR XIII
- mix by sunoco*
- Danger*

8. Title V Operating Permit V95-038, Section D.21(a)(1) Sunoco's 868 FCCU exceeded its 54 Lbs/Hr CO emission limit on March 15, 2011, on August 24, 2011 and on October 29, 2011 for 1 hour each.

25 Pa Code §129.91-95

(Each occurrence is a separate violation.)

25 Pa Code §127.444

AMC Chapter 3-306(5)

AMR XIII

9. Title V Operating Permit V95-038, § D.4(b) Sunoco's PE South Yard North Flare was operated without a pilot flame on January 2, 2010 for 6 minutes, on October 29, 2010 for 31 minutes, on December 14, 2010 for 134 minutes, on December 27, 2010 for 165 minutes, on January 12, 2011 for 4 minutes, on March 24, 2011 for 45 minutes and 19 minutes, on March 28, 2011 for 9 minutes, 27 minutes, and 82 minutes, on April 3, 2011 for 31 minutes, on April 5, 2011 for 10 minutes and 76 minutes, on April 21, 2011 for 17 minutes, on June 9, 2011 for 11 minutes and 2 minutes, on July 10, 2011 for 7 minutes, on July 13, 2011 for 20 minutes, on July 16, 2011 for 27 minutes, on July 18, 2011 for 5 minutes, on July 19, 2011 for 16 minutes, on July 21, 2011 for 2 minutes on July 24, 2011 for 2 minutes, on July 26, 2011 for 7 minutes, on July 27, 2011 for 9 minutes, on August 1, 2011 for 29 minutes, on August 2, 2011 for 20 minutes, on August 3, 2011 for 2 minutes, on August 4, 2011 for 28 minutes and 3 minutes, on August 9, 2011 for 53 minutes, on August 28, 2011 for 10 hours and 28 minutes, on October 15, 2011 for 7 minutes on December 8, 2011 for 163 minutes, on December 22, 2011 for 159 minutes, and on December 28, 2011 for 14 hours and 2 minutes.

40 C.F.R. § 60.18(c)(2)

40 C.F.R. § 63.11(b)(5)

25 Pa. Code § 127.444

AMC § 3-306(5)

AMR I § XI

AMR XIII

12/21/10
Sunoco's 433 Flare was operated without a pilot flame on April 12, 2009 for 13 minutes, March 26, 2011 for 5 hours and 9 minutes, and on December 12, 2011 for 10 minutes.

NSPS
Sunoco's LPG Flare was operated without a pilot flame on December 14, 2011 for 32 minutes, and on December 17, 2011, on December 21, 2011 for 1 hour, and on December 22, 2011 for 1 hour.

(Each occurrence is a separate violation.)

10. Title V Operating Permit V95-038, § C.2 On April 28, 2010, October 20, 2011 Sunoco detected an odor outside the property line while conducting a perimeter check.
- 25 Pa. Code § 123.31 On April 13, 2011 Sunoco a monitoring of the fence line detected an odor that was from a pressure relief valve venting from 862 IV 148 fuel gas drum.
- 25 Pa. Code § 127.444
- AMC Chapter 3-306(5) (Each occurrence is a separate violation.)
- AMR V. § XX.
11. Title V Operating Permit V95-038, § C.2 & D.10 On February 25, 2011 hydrocarbons were found at the 1232 Cooling tower which resulted in offsite odor.
- 25 Pa. Code § 123.31 On June 11, 2011 hydrocarbons were detected in the 1232 cooling tower.
- 25 Pa. Code § 127.444
- AMC Chapter 3-306(5) On March 9, 2011 an odor was traced to a leak at the 490 Cooling tower.
- AMR V. § XX. (Each occurrence is a separate violation.)
12. Title V Operating Permit V95-038, § C.1.(a) On September 25, 2010 had a fugitive release of naptha and water in the amount of 5790 pounds with some extending beyond the fence line.
- 25 Pa. Code § 123.1 (Each occurrence is a separate violation.)
- 25 Pa. Code § 127.444
- AMC Chapter 3-306(5)
- AMR II Sec. VIII.
13. Title V Operating Permit V95-038, § D.1 (b)(5)(i) Sunoco failed to test refinery fuel gas for Sulfur content on October 27, 2011 and December 24, 2011.
- 25 Pa. Code § 127.444 (Each occurrence is a separate violation.)
- AMC § 3-306(5)
- AMR XIII

14. Plan Approval #04322 issued on February 28, 2006, condition 5
25 Pa. Code § 127.25
AMC § 3-306(5)
AMR XIII
Sunoco's 1232 FCCU wet gas scrubber exceeded its emission limit of 500 ppm CO 1 hour average on March 4, 2010 for 1 hour.
15. Title V Operating Permit V95-038, Section D.28(a)
40 CFR 63.139(a)
AMC Chapter 3-306(5)
AMR XIII
Two (2) weekly Mixed Liquor Volatile Suspended Solids (MLVSS) measurements failed to maintain a concentration greater than 1000 mg/L at the GP Wastewater Treatment Plant (GP WWTP).
The two weekly measurements in violation occurred during the weeks of October 26, 2010 and November 9, 2010.
(Each occurrence is a separate violation.)
16. Title V Operating Permit V95-038, § D.23
40 C.F.R. § 60 Subpart QQQ
25 Pa. Code § 127.444
AMC § 3-306(5)
AMR XIII
On December 20, 2010 it was discovered that sump V-142 at the 869 Alkylation unit was not equipped with a gasket or latching mechanism.

17. Title V Operating Permit V95-038, § D.27
40 C.F.R. §§ 61 Subpart FF
25 Pa. Code § 127.444
AMC § 3-306(5)
AMR XIII
- Due to failure to follow oil-separator maintenance and / or operating procedures, waste oil was observed on the #2B separator deck on January 5, 2010, on August 9, 2010, on August 20, 2010, on October 1, 2010, on December 23, 2010, on August 14, 2011, August 15, 2011, September 8, 2011, September 28, 2011. During June 2010, 4 covers were found unlatched at the #2 separator.
- Due to failure to follow oil-separator maintenance and / or operating procedures, waste oil was observed on the #4A separator deck on August 14, 2011, on September 8, 2011, September 28, 2011, and on November 23, 2011.
- Due to failure to follow oil-separator maintenance and / or operating procedures, on December 8, 2010, 17 covers at the GP and PB separators were found unlatched and several covers were unable to monitored due to high background levels. On March 30, 2011, 2 covers at the #4 Separator and 8 covers at the #2 Separator were found unlatched.
- Due to failure to follow oil-separator maintenance and / or operating procedures, Separator covers were not cleaned within 15 days of overflow during October 2010.
- On June, 24, 2010 waste-water was pumped to uncontrolled #4B separator due to a water emergency.
- Due to failure to follow oil-separator maintenance and / or operating procedures, on February 1, 2011, 4 primary carbon canisters at #4B separator were not changed out within 24 hours and on December 6, 2011. On May 27, 2011, 2 carbon canisters at the #2 separator were not changed out within 24 hours.
- Due to failure to follow oil-separator maintenance and / or operating procedures, waste oil was observed on the PB Bio Plant separator cover on July 14, 2010, and on September 8, 2011.
- A primary carbon canister at the 1732 failed and was not changed out within 24 hours on November 16, 2010.
- (Each occurrence is a separate violation.)

18. Title V Operating Permit V95-038,
§ D.16
40 C.F.R. §§ 63.940-63.949
25 Pa. Code § 127.444
AMC § 3-306(5)
AMR XIII
- Due to failure to follow storage tank maintenance and / or operating procedures, tank 1086's roof was standing on its legs on March 19, 2010. The tank then failed re-inspection on April 19, 2010 and May 5, 2010 due to an open vacuum breaker.
- Due to failure to follow storage tank maintenance and / or operating procedures, tank 767's roof was standing on its legs on April 28, 2010.
- Due to failure to follow storage tank maintenance and / or operating procedures, tank GP-1205's roof was standing on its legs on December 5, 2011.
- Due to failure to follow storage tank maintenance and / or operating procedures, liquid was found on the roof of Tank 1007 on July 16, 2010.
- Due to failure to follow storage tank maintenance and / or operating procedures, Tank 27 was overfilled on August 21, 2011.
- Due to failure to follow storage tank maintenance and / or operating procedures, liquid was found on the roof of Tank 1117 on September 8, 2011.

(Each occurrence is a separate violation.)

19. Title V Operating Permit V95-038,
Section D.27
40 CFR 61 Subpart FF
25 Pa Code §127.444
AMC Chapter 3-306(5)
AMR XIII
- During the 2nd quarter of 2010 a truck was observed loading / unloading without a current method 21 inspection. ?
- During the 2nd quarter of 2010 dock operations at GP and PB were not included in the annual TAB or the 2 megagram exemption lists.
- During October 2010 there were roll-off containers of waste that were not method 21 tested.

(Each occurrence is a separate violation.)

20. Title V Operating Permit V95-038, § D.7
40 C.F.R. § 60.480
40 C.F.R. § 60.590
40 C.F.R. § 63.648
40 C.F.R. §§ 61.110-61.112
25 Pa. Code § 129.58
25 Pa. Code § 127.444
AMC § 3-306(5)
AMR V § XIII.A
AMR XIII
- During the 1st half of 2010, 16 open ended lines were found during internal inspections. During the 2nd half of 2010, 38 open ended lines were found during internal inspections. During the 2nd half of 2011, 16 open ended lines were found during internal inspections.
- During the first half of 2010, six fugitive emission components were not repaired within 15 days.
- During the first half of 2010, six fugitive emission components did not have their first attempt at a repair within 5 days.
- During the second half of 2011, two fugitive emission components did not have their first attempt at a repair within time period required.
- During the first half of 2010, 26 fugitive emission components were not placed on the delay of repair list within time period required.
- During the second half of 2011, one pressure relief valve was not monitored within the required time period following release.

21. Plan Approval #04322 issued on February 28, 2006, condition 5
25 Pa. Code § 139
AMC § 3-306(5)
AMR XIII
- Sunoco's 1232 FCCU failed its stack test on November 8, 2011, November 30, 2011, and December 1, 2011 due to exceeding its Sulfuric Acid emission limit of 37.98 lbs/hr.

The above-noted violations combined with your EPA defined Major Source classification requires that AMS place your company on the EPA High Priority Violators List and resolve this NOV within 270 days from the date when your Facility was found non-compliant. AMS is also required to recover, as a penalty, any economic benefit realized by the company as a result of non-compliance.

You may request, within 10 days from the receipt of this NOV, a meeting with AMS to discuss the above noted violations. You should direct any compliance notification, corrective action plan, request for a conference, or questions to:

Thomas Barsley
Engineering Supervisor
Air Management Services
321 University Avenue, Second Floor
Philadelphia, PA 19104
(215) 685-9417

Please note that you have the right to appeal this NOV pursuant to § 5-1005 of the Philadelphia Home Rule Charter. However, be advised that the exercise of your appeal rights does not prevent the Commonwealth and/or the EPA from taking separate enforcement action, will not stay any above directed action, or stay other

enforcement remedies available to the City, including, but not limited to, license revocation, assessment of penalties up to \$25,000 per violation per day, remedial action, and/or criminal prosecution.

THIS NOTICE IS FINAL AND EFFECTIVE IMMEDIATELY UPON RECEIPT

Kevin T. Tyson

Kevin T. Tyson
Environmental Engineer
Air Management Services

Cc: Thomas Barsley, Engineering Supervisor

Bcc: Thomas Huynh, Director
Edward Braun, Regulatory Services Program Manager
Roger Fey, Chief of Facility Compliance and Enforcement
Patrick O'Neill, Deputy Divisional Solicitor